

City of Killeen
Regular City Council Meeting
Killeen City Hall
January 14, 2014 at 5:00 p.m.

Presiding: Mayor Daniel A. Corbin

Attending: Mayor Pro-Tem Elizabeth Blackstone, Council members Terry Clark, Jared Foster, Wayne Gilmore, Steve Harris, Jonathan Okray, and Jose Segarra

Also attending were City Manager Glenn Morrison, City Attorney Kathryn Davis, City Secretary Dianna Barker, and Sergeant-at-Arms Roy Clayton.

Mr. Gig Jones gave the invocation, and Councilmember Segarra led everyone in the pledge of allegiance.

Approval of Agenda

Motion was made by Mayor Pro-Tem Blackstone to approve the agenda pulling item CA-14-006. Motion seconded by Councilmember Gilmore. The motion carried unanimously.

Consent Agenda

CA-14-001 Consider minutes of Regular City Council Meeting of December 17, 2013.
No changes.

CA-14-002 Consider a memorandum/resolution authorizing the award of a professional service contract to Walker Partners, L.L.C., to provide design and construction phase services for the Valley Ditch Reconstruction, Phase 1, Major Capital Improvement Project.
Staff comments: Kristina Ramirez - Walker Partners, L.L.C. (WP), is a local firm that is included on the City's prequalified list for engineering services. After negotiating a fair and reasonable price for professional services, staff recommends approval of the WP proposal for engineering design and construction phase services for the recommended Valley Ditch Reconstruction, Phase 1, project in the amount of \$63,700.00.

CA-14-003 Consider a memorandum/resolution authorizing Change Order No. 8 with James Construction Group, L.L.C. to the US 190/FM 2410/Rosewood Drive project.
Staff comments: George Lueck - Change Order No. 8 provides for the connection of an existing drainage structure to an outfall on the opposite side of the proposed Rosewood Drive roadway. This change is deemed necessary because the volume of runoff was determined to be too great and would have caused flooding of the roadway.

CA-14-004 Consider a memorandum/resolution for projected expenditure to purchase replacement tactical vests for the Police Department.
Staff comments: Glenn Morrison - GT Distributors provides the components that are necessary to build the tactical vest utilized by our city at an optimum price. The retired

vests will be used in the city's training program. Staff recommends the authorization to execute a contract for the purchase of 23 tactical vests and accessories from GT Distributors, Inc. in the amount of \$66,335.68.

CA-14-005 Consider a memorandum/resolution authorizing the closure of certain city streets and/or lanes of streets in the City of Killeen city limits March 2, 2014.

Staff comments: John Sutton - Organizers of the Army Marathon have requested that City Council approve a resolution authorizing street and/or lane closures in Killeen for the purpose of the second Army Marathon. TxDOT requires resolutions from affected cities as part of their permitting process. The Army Marathon is scheduled for March 2, 2014. Streets closed for about 3 hours.

CA-14-006 Consider a memorandum/resolution to appoint a Presiding Municipal Court Judge. Item pulled from agenda.

Motion was made by Mayor Pro-Tem Blackstone to approve Consent Agenda items 1 thru 5 as presented. Motion was seconded by Councilmember Okray. Motion carried unanimously.

Public Hearings / Ordinances

PH-14-001 HOLD a public hearing and consider a request for a plat by RSBP Developers, Inc. (Case #13-049RRS: Purser Crossing, Phase Six) being a residential replat of Lots 8-23, Block 14, Purser Crossing Phase One, Lots 1-11, Block 13, Purser Crossing Phase Two and .8496 acres out of the W.L. Harris Survey, Abstract No. 1155, Killeen, Texas.
Staff comments: Tony McIlwain - The property is zoned R1-A (Single Family Garden Home District) and the applicant is replatting the property to add an additional 20' of depth to each lot. The Staff Review Committee concurred that the plat has met all provisions of Chapter 26 of the Killeen Code of Ordinances. The Planning and Zoning Commission approved the plat by a vote of 7 to 0.

Mayor Corbin opened the public hearing. With no one appearing, the public hearing was closed.

Motion was made by Councilmember Clark to approve PH-14-001. Motion was seconded by Councilmember Segarra; motion carried unanimously.

PH-14-002 HOLD a public hearing and consider a request for a plat by Suk Baldwin (Case #13-033RS: Gentle Grove Addition, Phase III) being a replat of Lot 1, Block 4, Gentle Grove Addition. The property is located on the east right-of-way of Old FM 440, and is locally known as 3002 Old FM 440, Killeen, Texas.

Staff comments: Tony McIlwain - The property is zoned B-2 (Local Retail District) and B-5 (Business District) and the applicant is replatting the property into 17 lots. The Staff Review Committee met and concurred that the plat has met all provisions of Chapter 26 of the Killeen Code of Ordinances.

The Planning and Zoning Commission approved the request, Gentle Grove Addition, Phase III by a vote of 7 to 0.

Mayor Corbin opened the public hearing.

Monte Clark, 215 N. Main St., Temple – Civil Engineer on the project; spoke in favor of the project. With no one else appearing Mayor Corbin closed the public hearing.

Motion was made by Councilmember Clark to approve PH-14-002 as presented. Motion was seconded by Councilmember Okray; motion carried unanimously.

PH-14-003 HOLD a public hearing and consider an ordinance requested by Jerry Lisenbe, (Case #Z13-46) to rezone approximately .929 acres, being part of the Thomas Robinette Survey, Abstract No. 686, Killeen, Texas, from R-1 (Single-family Residential District) to R-2 (Two-family Residential District). The property is located on the south right-of-way of Watercrest Road, approximately 150 feet east of Foxglove Lane, Killeen, Texas.

The City Secretary read the caption of the ordinance as follows:

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF CERTAIN PROPERTY OUT OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM R-1 (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO R-2 (TWO-FAMILY RESIDENTIAL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff comments: Tony McIlwain - This request is to rezone .929 acres from R-1 (Single-Family Residential District) to R-2 (Two-Family Residential District) to allow for duplex development. The property is locally known as 4502 Watercrest Road, Killeen, Texas. The rezone request is consistent with the Comprehensive Plan. The staff notified thirteen surrounding property owners within a 200' notification boundary regarding this request. Staff received one protest from Viliulfo and Reynaldo Zamora, the owners of 2307 Gallop Drive. The Planning and Zoning Commission recommended approval of the applicant's request by a vote of 4 to 3.

Mayor Corbin opened the public hearing.

David Olson, Mitchell & Associates, 102 N. College Street, Killeen; spoke in favor of the project. With no one else appearing Mayor Corbin closed the public hearing.

Motion was made by Councilmember Clark to approve PH-14-003 as presented. Motion was seconded by Councilmember Gilmore; motion carried unanimously.

PH-14-004 HOLD a public hearing and consider an ordinance requested by Russell and Oteeka Davis (Case #Z13-49) to rezone Lot 1, Block 1, Davis Addition Section II, from B-5 (Business District) with SUP (Special Use Permit) to B-5 (Business District) with CUP (Conditional Use Permit) for an impound yard. The property is located on the north right-of-way of W. Avenue E, approximately 800 feet west of N. College Street and is locally known as 417-B W. Avenue E, Killeen, Texas.

The City Secretary read the caption of the ordinance as follows:

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF CERTAIN PROPERTY OUT OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM B-5 (BUSINESS DISTRICT) WITH SUP (SPECIAL USE PERMIT) TO B-5 (BUSINESS DISTRICT) WITH CUP (CONDITIONAL USE PERMIT) FOR TEMPORARY STORAGE OF IMPOUND VEHICLES; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff comments: Tony McIlwain - Russell and Oteeka Davis have submitted this request to rezone Lot 1, Block 1, Davis Addition, Section II, from B-5 (Business District) with a SUP (Special Use Permit) to B-5 with a CUP (Conditional Use Permit) to allow for continued use as Davis Towing, L. L. C. The staff notified 26 surrounding property owners within a 200' notification boundary regarding this request. Staff received no protests. An Industrial Storm permit is not required from TCEQ. The Planning and Zoning Commission recommended approval of the requested Conditional Use Permit with the following conditions:

1. The CUP is recommended for approval for a period of 12 months;
2. Within six months, the applicant shall present to City staff a plan to become compliant with all City of Killeen Codes, Texas Commission on Environmental Quality (TCEQ) and other State and Federal requirements within 12 months of the approval of the CUP.

Mayor Corbin opened the public hearing.

Oteeka Davis, 4404 Pointing Arrow Dr., Harker Heights; spoke in favor of the request. Ms. Davis stated the base in the impound yard was put in 5 yrs ago and was approved by city. Changing out the yard base to comply with today's regulations would be hard and expensive.

Motion was made by Mayor Pro-Tem Blackstone to approve PH-14-004 for a 12 month period from today. Motion was seconded by Councilmember Harris; motion carried unanimously.

PH-14-005 HOLD a public hearing and consider an ordinance requested by Kelly J. MacHardy and Jeanine Sandefur (Case #Z13-50) to rezone approximately 1.412 acres, being part of the G. W. Farris Survey, Abstract No. 306, from R-1 (Single-family Residential District) to B-3 (Local Business District). The property is located on the north right-of-way of W. Stan Schlueter Loop (FM 3470) approximately 500' west of Old Florence Road, Killeen, Texas.

The City Secretary read the caption of the ordinance as follows:

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF CERTAIN PROPERTY OUT OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM R-1 (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO B-3 (LOCAL BUSINESS DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff comments: Tony McIlwain - The property is addressed as 4311 Old Florence Road, Killeen, Texas. This request for commercial zoning is consistent with the Comprehensive Plan.

Staff notified twelve surrounding property owners within a 200' notification boundary. Staff has received no protests. The Planning and Zoning Commission recommended approval of the applicant's request for B-3 (Local Business District) by a vote of 7 to 0.

Mayor Corbin opened the public hearing. With no one appearing, the public hearing was closed.

Motion was made by Councilmember Segarra to approve PH-14-005. Motion was seconded by Councilmember Gilmore; motion carried unanimously.

Ordinances / Resolutions

OR-14-001 Consider an ordinance granting an application for renewal of taxicab franchise to Express Cab. (3rd of 3 readings)

The City Secretary read the caption of the ordinance as follows:

AN ORDINANCE GRANTING A FRANCHISE TO EXPRESS CAB CO. TO OPERATE A TAXICAB SERVICE IN THE CITY OF KILLEEN, TEXAS, AND SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OF THE FRANCHISE; PROVIDING FOR THE REGULATION OF THE TAXICAB SERVICE; PROVIDING AN INDEMNITY CLAUSE; ESTABLISHING THE FRANCHISE TERM AND EFFECTIVE DATE; PROVIDING A TERMINATION PROVISION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN ADOPTION CLAUSE; PROVIDING A REPEALER CLAUSE AND PROVIDING A CODE AMENDMENT CLAUSE.

Staff comments: Kathy Davis - This application is a renewal of their Taxicab Franchise. The franchise ordinance will allow Express Cab Co. to operate a taxicab service within the city of Killeen. The franchise ordinance is for a 5 year period.

Motion was made by Councilmember Okray to approve OR-14-001. Motion was seconded by Councilmember Segarra; motion carried unanimously.

Adjournment

With no further business, upon motion being made by Councilmember Okray, seconded by Mayor Pro-Tem Blackstone, and unanimously approved, the meeting was adjourned at 5:23 p.m.

Daniel A. Corbin, Mayor

Dianna Barker, City Secretary